

## McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

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CONFIDENTIAL SETTLEMENT COMMUNICATION  
PURSUANT TO F.R.E. 408

**VIA FACSIMILE AND E-MAIL**

Roger D. Taylor  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
303 Peachtree Street, N.E.  
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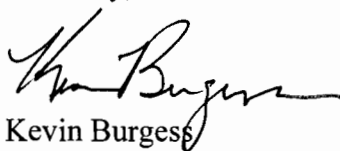
Re: Case No. C 07-05626 SI; *Marvell Semiconductor, Inc. v. Wi-LAN, Inc.*

Dear Roger:

By way of this letter, to resolve Civil Action 3:07-05262 SI, Wi-LAN, Inc., hereby unconditionally agrees not to sue Marvell Semiconductor, Inc., and its customers for patent infringement of any claim of United States Patent Nos. 6,192,068, 6,320,897, and RE37,802, based upon Marvell's Tavor UMTS Release 5 HSDPA chipsets, as those chipsets exist today or have existed in the past.

Please let me know as soon as possible whether Marvell agrees to dismiss its claims with respect to the '068, '897, and '802 patents.

Sincerely,



Kevin Burgess